

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Christopher Ayers,

Plaintiff,

v.

Case No. 1:10cv030

Michael J. Astrue, Commissioner  
of Social Security,

Judge Michael R. Barrett

Defendant.

**ORDER**

This matter is before the Court on the Report and Recommendation ("Report") filed by the magistrate judge on February 14, 2011 (Doc. 19).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *See United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). No objections to the Report have been filed.

Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds the Report to be correct. Accordingly, it is **ORDERED** that the Report is hereby **ADOPTED**. The decision of the Commissioner to deny Plaintiff disability insurance benefits and supplemental security income is **REVERSED** and this matter is **REMANDED** under sentence four of 42 U.S.C. §405(g). On remand, the Administrative Law Judge is instructed to: (1) carefully review objective evidence concerning Plaintiff's ankylosis spondylosis to determine if Plaintiff meets or equals Listing 14.09 or other relevant Listing; and (2) properly review all of the medical evidence and obtain additional evidence if necessary. As no further matters remain pending for the Court's review, this case be **CLOSED**.

**IT IS SO ORDERED.**

s/Michael R. Barrett  
Michael R. Barrett  
United States District Judge